

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Docket HWCA SCUPA 2018 IM008

Superstop Travel Center  
5888 Flintridge Court  
Alta Loma, CA 91937

CONSENT ORDER

Health and Safety Code  
Section 25187 and 25404.1.1

EPA I.D. No. CAL000385997

Respondent.

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1. INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (Department) and Superstop Travel Center (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent operates a gas station and mini mart at the following site:  
550 Wake Avenue, El Centro, CA 92243 (Site).

1.3. Inspection. The Department inspected the Site on December 12, 2016, and February 13, 2017.

1.4. Authorization Status. Respondent has a permit to operate underground storage tanks at the Site.

1.5. Jurisdiction. Section 25187 and 25404.1.1 of the Health and Safety Code authorizes the Department to order action necessary to correct violations and assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or

requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.8. Admissions. Respondent admits the violations as alleged in Section 2 below.

## 2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. Respondent violated California Code of Regulations, title 23, section 2630(d), in that on or about December 12, 2016, and February 13, 2017, Respondent failed to install and maintain monitoring equipment such that the equipment is capable of detecting a leak at the earliest possible opportunity.

During the 12/12/2016 Annual Monitoring Certification (AMC), the L8 annular sensor for the north diesel fuel tank was approximately three inches from the bottom of the secondary containment. Further inspection of the secondary containment showed there was approximately three inches of waste inside. During the 02/13/2017 Monitoring Certification (MC) for a cold start, the L9 and L3 submersible turbine pump (STP) sensors for north and south diesel fuel sumps were not in correct position. Both sensors were located near the top of the underground storage tanks (UST), approximately 18 to 24 inches above the low point. The L3 sensor was also sitting at a 45-degree angle, preventing the sensor from working

even if a leak occurred.

2.1.2. Respondent violated California Code of Regulations, title 23, section 2635(b)(1)(B), in that on or about December 12, 2016, and February 13, 2017, Respondent failed to equip two USTs with spill containers capable of holding five gallons.

During the 12/12/2016 AMC, it was noticed the auto diesel fuel and premium gasoline spill containments, more commonly known as spill buckets, were not capable of holding 4.5 and 3.5 gallons, respectively. During the 02/13/2017 MC, the auto diesel spill containment was capable of holding five gallons; however, the containment leaked. The premium gasoline containment still would not hold five gallons.

2.1.3. Respondent violated California Code of Regulations, title 23, section 2635(b)(2)(A), in that on or about February 13, 2017, Respondent failed to properly program the overfill protection equipment.

During the 02/13/2017 MC, the Automatic Tank Gauging (ATG) system was not programmed, preventing an audio or visual alarm from being heard or seen should the UST be filled to 90% capacity. All seven USTs were affected by this error.

### 3. SCHEDULE FOR COMPLIANCE

3.1. Respondent shall comply with the following:

3.1.1. This violation has been corrected to the satisfaction of the Department.

3.1.2. This violation has been corrected to the satisfaction of the Department.

3.1.3. This violation has been corrected to the satisfaction of the Department.

### 4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction

or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.4. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

## 5. PENALTY

5.1. Respondent shall pay the Department a total penalty of \$4,000. The penalty shall be paid as follows: \$2,000 shall be paid to the Department upon signing of the Order. The remaining \$2,000 shall be paid in monthly installments of \$500.

5.2. Respondent's check(s) for the penalty shall be made payable to the Department of Toxic Substances Control, shall identify the Respondent and Docket

Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Steven Gailey  
Senior Environmental Scientist (Spec)  
DTSC Imperial CUPA  
Enforcement and Emergency Response Division  
Department of Toxic Substances Control  
627 Wake Avenue  
El Centro, CA 92243

5.3. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

## 6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: 04/10/2019

Signature on File \_\_\_\_\_  
Ron Samuel  
Respondent

Dated: 04/10/2019

Signature on File \_\_\_\_\_  
Steven Gailey  
Senior Environmental Scientist (Spec)  
Department of Toxic Substances Control